

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

GEICO GENERAL INSURANCE)
COMPANY,)
)
and)
)
GOVERNMENT EMPLOYEES)
INSURANCE COMPANY,)
)
Plaintiffs,)
)
v.)
)
MARTIN BRAUNER,)
)
Defendants.)
)
AND)
)
MARTIN BRAUNER)
)
Counter-plaintiff,)
)
v.)
)
GEICO GENERAL INSURANCE)
COMPANY,)
)
and)
)
GOVERNMENT EMPLOYEES)
INSURANCE COMPANY,)
)
Counter-defendants,)

Case No. 4:22-cv-00082-CV-W-FJG

ORDER

Pending before the Court is the GEICO Plaintiffs' June 24, 2022 Motion to Clarify (Doc. No. 118). GEICO Plaintiffs, in an abundance of caution, seek clarification as to the Court's understanding as to what constitutes the "threshold coverage issue" that it directed the parties to address in Phase I of its scheduling order. GEICO Plaintiffs indicate that their

understanding is that the “threshold coverage issue” is “whether coverage does or does not attach under the GEICO Auto Policy’s express language assuming sexual activity in the listed vehicle (a 2014 Hyundai Genesis) caused M.O.’s HPV during the GEICO Auto Policy period (June 23, 2017 through December 23, 2017).” Doc. No. 118, p. 2. GEICO Plaintiffs indicate that they understand that all other issues in this lawsuit will be addressed in Phase II, if necessary. Defendant/Counter-Plaintiff M.O. filed a response to this motion, indicating that she has the same understanding as GEICO as to the Phase I “threshold coverage issue.” However, she and the GEICO Plaintiffs have significant disagreements about what should be addressed in Phase II. Defendant/Counter-Plaintiff Brauner filed no response to the pending motion.

The Court agrees with GEICO Plaintiffs’ understanding of the “threshold coverage issue.” Therefore, GEICO Plaintiffs’ motion (Doc. No. 118) is **GRANTED**. This Court adopts and incorporates into its May 12, 2022 Scheduling Order (Doc. No. 114) the understanding of “threshold coverage issue” as set forth by GEICO Plaintiffs in their motion. To the extent the parties disagree about the scope of Phase II discovery, the parties can take those issues up with the Court, if needed, after a decision has been made on GEICO Plaintiffs’ summary judgment motion as to the threshold coverage issue (Doc. No. 116).

IT IS SO ORDERED.

Date: July 21, 2022
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge